S.B.CIVIL WRIT PETITION NO.5231/2007

R.S.R.T.C. & Anr. Vs. Permanent Lok Adalat & Ors.

DATE OF ORDER :: 27.08.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.K. Lohra, for the petitioners.

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This petition for writ is directed to challenge the order passed by the Permanent Lok Adalat dated 5.2.2007 awarding a sum of Rs.40,000/- to the respondent-claimant Smt. Gattu Devi as per the provisions of "Yatri Durghatana Kshatipurti Yojana-2000". The contention of learned counsel for the petitioner while challenging the order aforesaid is that the petitioner being widow of late Sh. Girdharilal, who died on 16.9.2002 while travelling in a bus of the petitioner-Corporation from Ajmer to Bilara has already received a compensation in a tune of Rs.50,000/- as per the provisions of Section 166/140 of the Motor Vehicles Act, 1988 and also a sum of Rs. 10,000/- under the Scheme of 2000, therefore, no compensation as ordered by the Permanent Lok Adalat, Jodhpur could have been awarded.

It is asserted by learned counsel for the petitioner that under the Scheme of 2000 a compensation granted is required to be adjusted against the compensation granted under the Motor Vehicles Act.

I do not find any substance in the contention advanced by learned counsel for the petitioner. Under the Act of 1988 a sum of Rs.50,000/- is required to be given as a compensation without examining any fault on part of deceased-traveller and without payment of any contribution whereas under the Scheme of 2000 the petitioner-Corporation charges a contribution from every traveller beyond a specific distance to insure his life.

In the instant matter husband of the respondent-claimant also paid a sum of rupee one above the travelling tariff and thus it was a specific contract for getting compensation. The Permanent Lok Adalat, therefore, rightly held that the liability incurred under the Scheme of 2000 is absolutely different than the liability incurred under the Act of 1988.

I do not find any error in the order impugned that may warrant interference of this Court under Article 227 of the Constitution of India. Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

jgoyal